

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 CLARENCE H. ELLIOT,)
9 Petitioner,) 2:08-cv-00829-GMN-RJJ
10 vs.) ORDER
11 BRIAN WILLIAMS, *et al.*,)
12 Respondents.)

14 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a
15 Nevada state prisoner who is represented by counsel. On September 23, 2011, the Court issued an
16 order granting the habeas petition and requiring, among other things, petitioner's release from
17 custody within thirty days unless the State files a written election to retry petitioner. (ECF No. 45.)
18 On October 12, 2011, the State filed a notice of appeal of this Court's order. (ECF No. 49.) On
19 October 13, 2011, petitioner filed a motion for release on personal recognizance or bail pending
20 review of the Court's decision ordering his release. (ECF No. 50.) Accordingly, the Court sets an
21 abbreviated briefing schedule to address whether petitioner should be released pending disposition of
22 the appeal in this matter.

23 Respondents shall file a response, and any motion to stay the court's September 23, 2011
24 order, no later than October 17, 2011, at 4:00 p.m. Petitioner shall file a response to any motion to
25 stay no later than October 19, 2011, at 4:00 p.m. There shall be no replies; the parties must raise all
26 arguments concerning petitioner's custody status in their motions and responses. Additionally, the

1 parties shall address the following factors in their papers:

2 (1) whether the stay applicant has made a strong showing that he is
3 likely to succeed on the merits; (2) whether the applicant will be
4 irreparably injured absent a stay; (3) whether issuance of the stay will
substantially injure the other parties interested in the proceeding; and
(4) where the public interest lies.

5 *Haggard v. Curry*, 631 F.3d 931, 934-35 (9th Cir. 2010) (citing *Hilton v. Braunskill*, 481 U.S. 770,
6 776 (1987)). Due to the unique time constraints in this matter, the Court will entertain no motions
7 for extension of time regarding the above briefing schedule.

8 **IT IS SO ORDERED** this 13th day of October, 2011.

9
10
11 

Gloria M. Navarro
United States District Judge

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26